STATE OF NEW YORK

7612

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 2021

Introduced by M. of A. OTIS, ZEBROWSKI -- (at request of the State Comptroller) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state technology law, in relation to the notification of certain state agencies of a data breach or network security breach

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state technology law is amended by adding a new section 209 to read as follows:

§ 209. Notification of data breach or network security breach; shared data. 1. The office shall, within twenty-four hours following the discovery of a data breach or network security breach or receiving notice of a data breach or network security breach, notify the chief information officer, and where appropriate, the chief information security officer, of any state entity with which it shares data, provides networked services or shares a network connection whose data, services or connection is or may have been the subject of such breach whether or not such data was, or is reasonably believed to have been, acquired or used by an unauthorized person.

2. The office shall, in addition to the provisions of subdivision one of this section, notify the chief information officer, and where appropriate, the chief information security officer, of such state entity with which it shares data, provides networked services or shares a network connection and whose data is or may have been the subject of such breach, of its plan for remediation of the breach and future protection of such data and network.

3. For purposes of this section:

(a) "Data breach" shall mean an intentional or unintentional incident where data is disclosed, released, stolen, or taken without the knowledge or authorization of the data's owner or steward.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(b) "Network security breach" shall mean an intentional or unintentional incident where an unauthorized party has gained access to an organization's network without the knowledge or authorization of the network owner or steward.

(c) "State entity" shall mean any state board, bureau, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the state of New York, including the state legislature and the judiciary.

§ 2. This act shall take effect immediately.